

HOUSE BILL REPORT

HB 1296

As Reported by House Committee On:
Local Government & Housing

Title: An act relating to limitations on rental housing inspections.

Brief Description: Providing limitations on rental housing inspections.

Sponsors: Representatives Williams, Warnick, Goodman, McCune, Rodne, Simpson and Kelley.

Brief History:

Committee Activity:

Local Government & Housing: 1/26/09, 2/4/09 [DPS].

Brief Summary of Substitute Bill

- Prohibits a local government from requiring a landlord to engage or hire a third party to conduct inspections of rented dwelling units and common areas.
- Prohibits a local government from assessing a landlord or owner for the cost of an inspection of rented premises by a local building official.
- Defines "local building official."

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Ericksen, Assistant Ranking Minority Member; Cox, Miloscia, Short, Springer, Upthegrove, White and Williams.

Staff: Thamas Osborn (786-7129)

Background:

A tenant is prohibited from unreasonably withholding consent to the landlord to enter the premises, provided the landlord's entry is consistent with one of the purposes authorized by statute. The purposes for which a landlord may enter the premises include:

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- inspections;
- completing necessary or agreed repairs, alterations, or improvements;
- supplying necessary or agreed services; or
- exhibiting the premises to authorized purposes.

Fire officials may immediately seek a search warrant if tenants or landlords deny the fire official the right to search dwelling units and common areas. A court must issue a search warrant if it finds that there is probable cause, specific to the dwelling unit or common area, of a criminal fire code violation.

Summary of Substitute Bill:

A local government is prohibited from requiring a landlord to engage or hire a third party to conduct inspections of rented dwelling units and common areas.

A local government is prohibited from assessing a landlord or owner for the cost of an inspection of rented premises by a local building official.

"Local building official" is defined to mean any person employed by a local government who is authorized to enforce local building codes.

Substitute Bill Compared to Original Bill:

The substitute bill deletes a phrase from the original bill that would effectively prohibit a local government from allowing a landlord to hire a third party to conduct building inspections.

The substitute bill also makes a technical, grammatical correction to the language of the original bill.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill addresses the issue of the right to privacy of citizens who live in rental housing. The law should not allow building inspectors or other third parties to randomly invade the privacy of tenants by conducting unjustified building inspections. Seattle and other cities have a history of doing unduly intrusive inspections of apartments as part of the

enforcement of building codes. The City of Pasco recently passed an ordinance requiring landlords to hire inspectors to do building code inspections. The ordinance made it mandatory for landlords to do so and allowed tenants to be evicted if they refused entry. Such ordinances go much too far in allowing the state to disregard the rights of tenants with respect to privacy and the peaceful enjoyment of their homes. The bill, in effect, merely prohibits warrantless searches when there is an absence of probable cause to believe that there is a building code violation. Local governments already have enough tools to ensure code compliance and allowing unreasonable inspections serves no useful public purpose.

(Opposed) The provisions in the bill serve no useful purpose insofar as they will have no meaningful impact on the privacy interests of tenants. Building code inspections are not a problem for tenants, so the bill endeavors to address a problem that does not exist. Furthermore, the bill is contrary to the interests of tenants because it will have the effect of impairing the ability of municipalities to do the inspections needed to ensure that tenants have the safe and decent housing required by law. Cities need inspection powers to ensure that substandard housing conditions are readily discovered. Current laws are reasonable since they do not encourage unreasonable invasions of privacy. Accordingly, the public interest in eliminating substandard housing greatly outweighs the privacy issues purportedly addressed by this bill.

Persons Testifying: (In support) Representative Williams, prime sponsor; Julie Johnson, Rental Housing Association; Joe Puckett, Washington Multi-Family Housing Association; Bill DeWeber, Washington Apartment Association; and Chuck Beck, Washington Landlord Association.

(Opposed) Greg Provezano, Columbia Legal Services; Dave Williams, Association of Washington Cities; and Rick White, City of Pasco.

Persons Signed In To Testify But Not Testifying: None.